

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL THRASHER,

Plaintiff,

v.

OFF. LARRY GARLAND, *et al*,

Defendants.

Case No. C06-5496RBL-KLS

ORDER

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on plaintiff's filing of a motion to dismiss defendants. (Dkt. #17). After reviewing plaintiff's motion and the balance of the record, the Court finds and orders as follows:

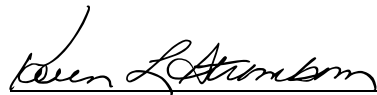
On December 18, 2006, the Court issued an order to show cause regarding plaintiff's first amended complaint, indicating that while it appears plaintiff had deleted Supervisor Georgia Harvey as a named defendant from his complaint, he had added a third person, Michael Glazier, as an additional named defendant. (Dkt. #16). The Court noted, however, that plaintiff had not stated what connection Mr. Glazier had with regard to the allegations contained in his complaint.

On December 22, 2006, plaintiff filed a second amended complaint curing this last deficiency. (Dkt. #18). At the same time he filed a motion to dismiss Ms. Harvey and Mr. Glazier as defendants from his complaint. (Dkt. #17). On December 29, 2006, the Court issued an order directing service of the second

1 amended complaint (Dkt. #19), but did not specifically address plaintiff's motion. The Court does so now.
2 Because plaintiff's second amended complaint no longer names Ms. Harvey or Mr. Glazier as defendants,
3 his motion to dismiss them is moot. Plaintiff's motion to dismiss defendants (Dkt. #17), therefore, hereby
4 is DENIED.

5 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

6 DATED this 26th day of January, 2007.

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10 Karen L. Strombom
11 United States Magistrate Judge
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